

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 CHAR SACHSON  
Deputy Attorney General  
4 State Bar No. 161032  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5558  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10  
11 In the Matter of the Accusation Against:

Case No. *2013-533*

12 **DONALD E. FORD**  
13 **5318 Dupont Drive**  
**Santa Rosa, CA 95409**

**ACCUSATION**

14 **Registered Nursing License No. 546622**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 10, 1998, the Board of Registered Nursing issued Registered  
23 Nursing License Number 546622 to Donald E. Ford (Respondent). The Registered Nursing  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on September 30, 2013, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),  
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
7 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
8 licensee or to render a decision imposing discipline on the license.

9 6. Section 118, subdivision (b), of the Code provides that the expiration of a license  
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
11 within which the license may be renewed, restored, reissued or reinstated.

#### 12 RELEVANT STATUTES

13 7. Section 2761 of the Code states:

14 "The board may take disciplinary action against a certified or licensed nurse or deny an  
15 application for a certificate or license for any of the following:

16 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

17 ...

18 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
19 against a health care professional license or certificate by another state or territory of the United  
20 States, by any other government agency, or by another California health care professional  
21 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
22 action.

23 ..."

24 8. Section 2762 of the Code states:

25 "In addition to other acts constituting unprofessional conduct within the meaning of this  
26 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
27 chapter to do any of the following:

1       "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
3 administer to another, any controlled substance as defined in Division 10 (commencing with  
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
5 defined in Section 4022.

6       "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.

11       "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
12 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
13 or the possession of, or falsification of a record pertaining to, the substances described in  
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
15 thereof.

16       "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of  
17 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this  
18 section, in which event the court order of commitment or confinement is prima facie evidence of  
19 such commitment or confinement.

20       "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
21 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
22 section."

23       9.     Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licentiate found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
27 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
28 included in a stipulated settlement.

1 DRUGS

2 10. Trazadone is a dangerous drug as designated by Business and Professions Code  
3 section 4022. It is an antidepressant.

4 11. Celexa is a dangerous drug as designated by Business and Professions Code section  
5 4022. It is an antidepressant.

6 12. Ambien is a Schedule IV controlled substance pursuant to Health & Safety Code  
7 section 11057(d)(32) and is a dangerous drug pursuant to Business and Professions Code section  
8 4022. Ambien is the trade name for the narcotic substance Zolpidem, and is used for insomnia.

9 FIRST CAUSE FOR DISCIPLINE

10 (DISCIPLINE BY OTHER STATE AGENCY)

11 13. Respondent is subject to disciplinary action under section 2761(a)(4) in that his  
12 Emergency Medical Technician-Paramedic license (number P18666) was revoked by the  
13 California Emergency Medical Services Authority, effective January 11, 2012, by a default  
14 decision. The license was revoked based on allegations that Respondent committed the following  
15 violations of the Emergency Medical Services System and the Prehospital Emergency Medical  
16 Care Personnel Act:

17 Violation of Health and Safety Code section 1798.200(c)(9) (Addiction to the excessive use  
18 of, or the misuse of, alcoholic beverages, narcotics, dangerous drugs, or controlled substances):

- 19 a. In or about January, 2008, Respondent advised his employer, the Novato Fire District,  
20 that he had a problem with alcohol and was voluntarily seeking help. Respondent was  
21 admitted to a 28 day inpatient rehabilitation program. However, after 48 hours in the  
22 program, Respondent left the facility against medical advice.
- 23 b. On or about October 9, 2010, while employed at the Novato Fire District, Respondent  
24 failed to report for his scheduled shift, and failed to contact his employer. Respondent  
25 was located in a local hospital under a 72 hour psychiatric hold, due to a suicide attempt  
26 with alcohol and prescription medication (Ambien, Trazadone and Celexa).  
27 Respondent had prescriptions for Trazadone and Celexa. However, the Ambien was  
28 prescribed to his girlfriend.

1 c. On or about December 24, 2010, Respondent returned to work and entered into a Last  
2 Chance Agreement with his employer, agreeing to remain sober and to submit to drug  
3 and alcohol screenings, *inter alia*.

4 d. On or about March 7, 2011, while on his regularly scheduled shift, Respondent tested  
5 positive for alcohol, with a blood alcohol level of .025%.

6 SECOND CAUSE FOR DISCIPLINE

7 (ILLEGAL POSSESSION OF CONTROLLED SUBSTANCES)

8 14. Respondent is subject to disciplinary action under section 2762(a) in that he illegally  
9 obtained and/or possessed controlled substances. The circumstances are that he possessed and/or  
10 obtained Ambien which was not prescribed to him, as alleged above in paragraph 13.

11 THIRD CAUSE FOR DISCIPLINE

12 (ILLEGAL USE OF CONTROLLED SUBSTANCES)

13 15. Respondent is subject to disciplinary action under section 2762(b) in that he illegally  
14 used controlled substances. The circumstances are that he used Ambien which was not prescribed  
15 to him, as alleged above in paragraph 13.

16 FOURTH CAUSE FOR DISCIPLINE

17 (UNPROFESSIONAL CONDUCT)

18 16. Respondent is subject to disciplinary action under section 2761(a) in that he acted  
19 unprofessionally, as alleged above in paragraph 13.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nursing License Number 546622, issued to  
24 Donald E. Ford;

25 2. Ordering Donald E. Ford to pay the Board of Registered Nursing the reasonable costs  
26 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
27 section 125.3;

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED: December 27, 2012 *Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

SF2012403358  
40623632.doc